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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,765	10/10/2003	Mark Strayer	18412.84	1582
27683	7590	09/16/2004	EXAMINER	
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			HYEON, HAE M	
			ART UNIT	PAPER NUMBER
			2839	

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/683,765	STRAYER, MARK	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hae M Hyeon	2839	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 August 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/12/03 &amp; 2/26/04</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. Newly amended title of the invention filed in the preliminary amendment on June 3, 2004 is acceptable.

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: Claim 1, line 4, the full terminology for the abbreviation "USB" is required.

Appropriate correction is required.

3. Claim 27 recites the limitation "the first side" in line 2 and "the second side" in line 4. There is insufficient antecedent basis for these limitations in the claim.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-16 and 19-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Byrne (6,042,426) in view of Milan (6,607,408 B2) and the present specification paragraphs [0028] and [0029].

Byrne discloses a power harness 10 comprising a housing having a first spherical portion 16 and a second flat base portion 14, an electrical cord 24 extending from the second housing

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portion 14, a plurality of power ports 20 externally accessible mounted on the first housing portion 16 and a plurality of telephone or networking ports 22. The power harness 10 is mounted in an aperture formed on a panel 18 of furniture 19. However, Byrne does not disclose the power harness 10 having a plurality of upstream USB ports, a plurality of downstream USB ports, and circuitry interconnecting associated ones of the upstream and downstream USB ports.

Milan discloses a power harness 100, 120 comprising a housing 101 and 120, an electrical cord 102 extending from the housing 101, a plurality of externally accessible USB ports 22 and 24, at least one externally accessible downstream power ports 104, at least one telephone ports or networking ports 316, a switch 10, and circuitry 43 interconnecting associated ones of USB ports. Milan teaches that the telephone ports or networking ports 316 can be RJ11 or RJ 45.

For the circuitry of the power harness, it is inherent for a power harness to have some type of circuitry to connect all the connectors to work together. Both Byrne and Milan disclose their own circuitry for their power harness. Although both Byrne and Milan do not disclose the specific circuitry recited in claim 1, the present specification paragraph [0028], stated, "myriad circuits might achieve without undue experimentation." Furthermore, the applicant admitted, those skilled in the art will understand the circuitry 190 by the functional description of the circuitry 190 provided and can be achieved with basic wiring and known electronic components.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the power harness taught by Byrne such that it would have USB ports as taught by Milan and the circuitry as taught by the instant invention because the

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power harness would be able to provide variety of connection and a necessary circuitry would be required to provide desired connections between the connector ports.

Regarding to the specific number of connector ports in the power harness, it only deals with duplication of parts. It has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding to ballast, it is common knowledge to use ballast to provide stability to an object.

6. Claims 17, 18 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Milan as applied to claims 1-16 and 19-21 above, and further in view of Griepentrog (US Patent Application Publication 2004/0147147 A1).

Claims 17, 18 and 29 recite the first housing member having a stop and a second housing member having at least one mechanically biasable member to cooperatively engage a panel having an aperture to receive the second housing member.

While the housing 16 of Byrne has a stop (flange portion of the housing 16) for engaging a top surface of the aperture, the second housing member 14 does not have a mechanically biasable member to engage the panel. However Griepentrog discloses a power harness 20 comprising a housing 24 having a mechanically biasable member 40 to engage underside of a panel in order to securely engage the power harness 20 with the panel. Regarding at least two biasable members for engaging panels having varying thickness, it only deals with a duplication of parts. It has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the power harness taught by Byrne such that it would have a

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mechanically biasable member as taught by Griepentrog because the biasable allow the power harness to securely engage a panel.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 5,721,934 by Scheurich, US Patent No. 6,211,581 B1 by Farrant, and US Patent No. 6,586,849 B2 by Tarr.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hae M Hyeon whose AU is 2839 and whose telephone number is (571) 272-2093. The examiner can normally be reached on Mon.-Fri. (8:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tulsidas C. Patel can be reached on (571) 272-2098. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

**Any response to this action may be mailed to:**

**Commissioner for Patents**

**P.O. Box 1450**

**Alexandria, VA 22313-1450**

For additional information regarding this new address, which was effective May 1, 2003, see *Correspondence with the United States Patent and Trademark Office*, 68 Fed. Reg. 14332 (March 25, 2003).

Hae M Hyeon

Examiner

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*Hae Moon Hyeon*